

agreed to enter the matter at least for purposes of contacting the Secretary to ascertain the status of the application and the process.⁴³⁴

Eckstein first spoke with Babbitt regarding the Hudson matter by phone on April 6, 1995.⁴³⁵ Eckstein recalls that he explained he had been retained by the applicant group and they were concerned by the reopening of the comment period. He also asked specifically that, if the Department decided that the application was going to be denied or found a problem with it, Eckstein be given an opportunity to bring the applicant tribal leaders in to see the Secretary. Though he cannot recall all of the details of the conversation, Eckstein recalls that the Secretary readily agreed to that request. He also recalls getting the distinct impression that Babbitt was familiar with this matter already. Eckstein based that conclusion on the fact that Babbitt expressed general recognition of the Hudson casino application when Eckstein referred to it, as well as the fact that Babbitt specifically asked Eckstein what position the Governor of Wisconsin, Tommy Thompson, was taking on this issue. Eckstein took this remark as recognition that the Governor would have a veto opportunity after Interior exercised its statutory review and

⁴³³(...continued)
in the summer of 1994.

⁴³⁴By early April, Eckstein understood that the applicant group was composed of three Indian tribes, who were partnered with the owners of the Hudson dog track, the latter being represented by Fred Havenick. Eckstein said he was formally retained by Goff, whom he understood to be coordinating the effort for the applicants. Eckstein's compensation was to be based on actual hours accrued, with no contingency of any kind.

⁴³⁵Eckstein determined the specific date by reference to his time billing records and corroborating telephone records. The latter indicate that the call lasted 15.5 minutes.